

Chair Anne Boyle called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Gerald Vap present. Chair Boyle invited the public to address the Commission and also announced that a copy of the Nebraska Open Meetings Act was posted in the meeting room. No announcements were made.

#### GENERAL ADMINISTRATION

Notice was duly published September 9, 2008 on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held September 16, 2008 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Wednesday, September 17, 2008:

PI-139            Atrium 2<sup>nd</sup> Floor Conference Room, 1200 N Street, Lincoln.  
9:00            Grain Warehouse Workshop. In the Matter of the Commission, on its own motion, seeking to investigate the establishment of an insurance fund to provide additional protection for grain transactions. Commissioner Jerry Vap presiding as Hearing Officer.

#### COMMUNICATIONS DEPARTMENT

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order granting applications AD-458r through AD460r. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE.

AD-458r        In the Matter of First Coast Systems, Inc., Jacksonville, Florida, seeking authority to register the connection of an automatic dialing-announcing device.

AD-459r        In the Matter of CCB Credit Services, Inc., Springfield, Illinois, seeking authority to register the connection of an automatic dialing-announcing device.

AD-460r        In the Matter of Norris Public Power District, Beatrice, Nebraska, seeking authority to register the connection of an automatic dialing-announcing device.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3942 In the Matter of Protocall LLC, Olathe, Kansas, seeking authority to operate as a resale carrier of both local and interexchange telecommunications services within the State of Nebraska: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3950 In the Matter of Reliance Communications International, Inc., New York, New York, seeking authority to operate as an inter-exchange carrier of telecommunications services within the State of Nebraska: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3952 In the Matter of Northeast Nebraska Telephone Company, Jackson, seeking approval and authority to execute (1)an amended and restated loan agreement with Rural Telephone Finance Cooperative; (2)a substitute secured promissory note payable to Rural Telephone Finance Cooperative; (3)a restated mortgage, security agreement and financing statement with United States of America, The Rural Telephone Bank and Rural Telephone Finance Cooperative: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Gene Hand updated the Commission on the status of the 2008 Annual Report for Telecommunications.

Gene Hand reviewed with the Commission Verizon's September, 12, 2008, filing with the Federal Communications Commission in CC Docket No. 01-92 proposing a plan to reform intercarrier compensation.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-023.41 In the Matter of Seward County, Seward, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order approving the funding request, in part. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-037/ PI-140 In the Matter of the Commission, on its own motion, seeking to investigate changes in terms of Qwest/Positron hardware and software maintenance program: Commissioner Landis appointed Hearing Officer. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order opening the docket and setting a hearing for October 9, 2008 at 10:00 a.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-25 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to establish guidelines for the purpose of certifying the use of federal universal service support:

NUSF-66 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to establish guidelines for the purpose of certifying the use of state universal service support: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram to enter a joint order in these two dockets, certifying carriers for high cost federal and state support. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-69.02 In the Matter of Long Lines Wireless, LLC, seeking dedicated universal service support for wireless telecommunications services: Sue Vanicek discussed the Hearing Officer's Order of September 15, 2008, granting intervention.

Sue Vanicek discussed the NUSF Late-Filed Carrier Remittances. Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to grant a one-time waiver request of Technologies Management, Inc. on behalf of Encartele, Inc., waiving the 2nd Quarter, 2008 late-fees previously levied by the Commission. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Commissioner Frank Landis left the Commission Hearing Room.

TRANSPORTATION DEPARTMENT

B-1717 In the Matter of Platinum Limousine Services, LLC, Norfolk, seeking authority as a common carrier in Nebraska intra-state commerce in the transportation of passengers and their baggage in limousine service between points in Boyd, Knox, Cedar, Dixon, Antelope, Wheeler, Greeley, Boone, Nance, Pierce, Madison, Platte, Polk, Butler, Colfax, Stanton, Wayne, Dakota Thurston, Cuming, Dodge, Burt and Washington counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. Commissioner Johnson presiding as Hearing Officer: Mark Breiner advised the Commission that the Hearing scheduled for September 10, 2008, was cancelled and scheduled for modified procedure on September 30, 2008.

B-1729 In the Matter of Omaha Fiesta Bus, Papillion, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage in special party bus operations between points in Douglas, Sarpy, Cass and Washington counties, on the one hand, and, on the other hand, points in the state of Nebraska over irregular routes. HHS Designation: No. Transportation of railroad train crews: No. Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

Commissioner Frank Landis entered the Commission Hearing Room.

Rate Division

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Goods Tariff 7F and Tariff 22: The Tariff 7F fuel surcharge was decreased to \$1.12 and the Tariff 22 fuel surcharge was decreased to \$7.76 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

PI-141 In the Matter of the Commission on its Own Motion Seeking to investigate and establish Moisture Meter Testing Fees: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order opening investigation and scheduling a Hearing. Tim Schram was appointed hearing officer. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GW-462 In the Matter of Countryside Cooperative, Firth, Diller, Pawnee City, Pickrell, and Princeton, seeking cancellation of its Grain Warehouse License: License cancelled effective September 1, 2008.

GW-2116 In the Matter of Hilltop Feed & Grain, Inc., Wisner, seeking cancellation of its Grain Warehouse License: License cancelled effective September 2, 2008.

GW-1599/ In the Matter of Alvo Grain & Feed, Inc., Alvo and Ashland:  
GD-1599 John Fecht updated the Commission on the status of this docket.

Grain Dealer Division

GW-462 In the Matter of Countryside Cooperative, Firth, Diller, Pawnee City, Pickrell, and Princeton, seeking cancellation of its Grain Dealer License: License cancelled effective September 1, 2008.

GW-2116 In the Matter of Hilltop Feed & Grain, Inc., Wisner, seeking cancellation of its Grain Dealer License: License cancelled effective September 2, 2008.

GD-2902 In the Matter of Colorado Agri Products, LLC, Sterling, Colorado, seeking a Grain Dealer License, subject to the fulfillment of all statutory requirements, for the license period ending June 30, 2009: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to approve the following Commission invoices. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Parish, Blessing & Associates	\$	4,000.00
Parish, Blessing & Associates		6,200.00
Voyager		1,941.66

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation of the fourth quarter 2008, meeting dates. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

October 7, 15, 21, 29

November 5, 13, 24

December 2, 9, 16

There will be no meetings held on November 18, December 23 or December 30.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to upgrade a Nebraska Telecommunications Infrastructure and Public Safety Employee from probationary to permanent status. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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The meeting adjourned at 10:30 a.m. with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Gerald Vap present. The next regularly scheduled meeting will be held on September 23, 2008, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on September 22, 2008.

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Chair

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Executive Director